

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

TANAJEE MADDOX as  
Administratrix of the Estate of GARY  
TERRANCE PORTER,

*Plaintiff,*

- v -

SYRACUSE POLICE OFFICER  
KELSEY FRANCEMONE sued  
herein in her capacity as an individual

*Defendant.*

Civil Action No.: 5:19-CV-  
0678 (BKS/MJK)

**Hon. Brenda K. Sannes, Chief United States District Judge:**

**[OFFICER FRANCEMONE'S PROPOSED] VERDICT SHEET AND  
SPECIAL INTERROGATORIES**

As the Jury, please answer the following questions in the order presented, **while carefully following the bold-type directions that accompanying each question.**

1. Did Plaintiff prove by a preponderance of the credible evidence that Officer Kelsey Francemone violated Gary Porter's Fourth Amendment constitutional to be free from excessive force?

NO \_\_\_\_\_ YES \_\_\_\_\_

If you answered "NO" to Question 1, please skip Question 2 and Question 3 and proceed to the section that is labeled "End of the Verdict Sheet," which is located on page 3.

If you answered "YES" to Question 1, proceed to Question 2.

2. What amount, if any, do you award as compensatory damages against Officer Francemone in connection with Plaintiff's Fourth Amendment claim under 42 U.S.C. § 1983?

\$ \_\_\_\_\_

Please proceed to Question 3

3. Do you find that Plaintiff has proven by a preponderance of the credible evidence that Officer Kelsey Francemone engaged in extreme and outrageous conduct and should be punished with an award of punitive damages in connection with the Fourth Amendment claim under 42 U.S.C. § 1983:<sup>1</sup>

NO \_\_\_\_\_ YES \_\_\_\_\_

Please proceed to the section that is labeled "End of the Verdict Sheet," which is located on page 3.

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<sup>1</sup> Officer Francemone respectfully submits that because there is no basis for a jury instruction on punitive damages based on the facts of this case, there is also no basis to include punitive damages on the Verdict Sheet.

**End of the Verdict Sheet**

**You now have completed this Verdict Sheet. Please notify the Court Security Officer that a unanimous verdict has been reached.**

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JURY FOREPERSON

**These questions are only to be answered if you answered “yes” to Question 1.**

**SPECIAL INTERROGATORIES**

1. As part of your deliberations, did you find that it was more likely than not that Mr. Porter possessed a firearm at some point during the incident?

YES \_\_\_\_\_ NO \_\_\_\_\_

2. As part of your deliberations, did you find that Officer Francemone, even if mistaken, nonetheless reasonably perceived that Mr. Porter was one of the individuals discharging a weapon near the black Chevrolet Malibu in the Stone Court parking lot?

YES \_\_\_\_\_ NO \_\_\_\_\_

3. As part of your deliberations, did you find that Officer Francemone, even if mistaken, nonetheless reasonably perceived that Mr. Porter had a firearm on his person before she discharged her last two shots?

YES \_\_\_\_\_ NO \_\_\_\_\_